

Message Text

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44

ACTION COA-02

INFO OCT-01 ARA-11 ADP-00 EB-11 COME-00 INT-08 CG-00 L-03

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FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 8194

AMCONSUL BELEM

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E. O. 11652 N/ A

TAGS: EFIS, BR

SUBJ: SHRIMP AGREEMENT

REFS (A) STATE 109942; (B) BRASILIA 3401

1. EMBOFFS HAVE HELD FURTHER MEETING WITH FONOFF AND NAVY OFFICIALS TO DISCUSS PROBLEMS PERTAINING TO IMPLEMENTATION OF SHRIMP AGREEMENT AND TO CONVEY INFORMATION CONTAINED REF(A). LATTER WAS MOST USEFUL IN SETTING COOPERATIVE TONE TO MEETING AND IN DEMONSTRATING SERIOUSNESS OF OUR INTENTION TO MEET FULL REQUIREMENTS OF AGREEMENT. EMBOFFS EMPHASIZED POINT THAT SUSPECTED VIOLATIONS OF ALL THREE BOATS DETAINED IN RECENT WEEKS WERE RESULT OF DELAYS OR OTHER SLIP- UPS IN TRANSMISSION OF INFO AND SUGGESTED THAT GOB ADVISE EMBASSY WHENEVER NAVY OBSERVED BOAT ON WHICH IT LACKED INFORMATION SO THAT WE CAN CHECK STATUS TELEPHONICALLY

WITH WASHINGTON. GOB OFFICIALS AGREED ON DESIRABILITY OF SPEEDING UP COMMUNICATIONS BUT MADE CLEAR THEY COULD NOT ACCEPT PROCEDURE WHICH INFRINGED ON THEIR RIGHT TO DETAIN SUSPECTED VIOLATORS.

2. WE REEMPHASIZED POINT ON THE NECESSITY OF IMPROVING OUR
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COMMUNICATIONS ON THESE PROBLEMS BY NOTING SEIZURE OF MISS DORIS. BRAZILIANS HAD INQUIRED ABOUT THE STATUS OF THIS VESSEL AT JUNE 1 MEETING AND WE HAD COMMITTED OURSELVES TO CLARIFYING ITS POSITION. AT SAME TIME THAT WE WERE INFORMING FONOFF THAT MISS DORIS HAD BEEN REINSTATED WE LEARNED THAT VESSEL HAD BEEN APPREHENDED BY NAVY. WE NOTED THAT SUCH PROCEDURES WERE INADEQUATE TO PROTECT OWNERS OF VESSELS WHO WERE HONESTLY TRYING TO COMPLY WITH AGREEMENT AND THAT WE SHOULD DO ALL THAT IS HUMANLY POSSIBLE TO AVOID SIMILAR INCIDENTS IN FUTURE. WE OBSERVED THAT APPREHENSION OF MISS DORIS COULD HAVE BEEN PREVENTED BY TELEPHONE CALL. WE ADDED THAT OWNERS OF OTHER TWO VESSELS HAD IN EFFECT ALSO BEEN PUNISHED ALTHOUGH THEY TOO HAD BEEN TRYING TO COMPLY.

3. BRAZILIANS AGREED THAT COMMUNICATION PROCEDURES SHOULD BE IMPROVED BUT STATED THAT IN ALL THREE CASES OF APPREHENSION THERE HAD NOT BEEN MINOR PROBLEMS OF DETAIL BUT INSTEAD LEGITIMATE DOUBT AS TO STATUS OF VESSELS. AT TIME OF APPREHENSION DATA AVAILABLE TO NAVY INDICATED THAT VESSELS WERE NOT IN VOLUNTARY COMPLIANCE. IN CASE OF MISS DORIS LATEST DATA AVAILABLE TO VANY IN BELEM WAS THAT VESSEL HAD BEEN REMOVED FROM LIST; THEY HAD NOT BEEN AWARE OF INQUIRY TO CLARIFY STATUS. WE AGREED THAT NEW PROCEDURES - 10- DAY WAITING PERIOD AND USE OF TELEPHONE URGENTLY TO CLARIFY STATUS SHOULD HOPEFULLY ELIMINATE FUTURE PROBLEMS.

4. OFFICIALS SHOWED EMBOFFS DRAFT OF DIPLOMATIC NOTE FOLLOWING UP DISCUSSIONS AT JUNE 1 MEETING. NOTE REFERRED TO 10- DAY WAIT FOR EFFECTIVE DATE OF REGISTRATION AND SUGGESTED THAT 10- DAY PERIOD SHOULD BEGIN WHEN GOB RECEIVES NOTIFICATION FROM EMBASSY OF NEW ENTRANT. AFTER SOME DISCUSSION MINISTRY AND NAVY OFFICIALS AGREED TO RETAIN ORIGINAL IDEA THAT 10- DAY PERIOD WOULD DATE FROM TIME DEPARTMENT ISSUED REGISTRATION NUMBER. HOWEVER, GOB REMAINS CONCERNED BECAUSE IT TAKES IT ABOUT FIVE DAYS AFTER INFO IS RECEIVED BY FONOFF TO TRANSMIT IT TO PATROL VESSELS. THEREFORE, RAPID TRANSMISSION FROM WASHINGTON IS ESSENTIAL. UNDER CURRENT PROCEDURE EMBASSY ASSUMES WE WILL RECEIVE NOTIFICATION OF REGISTRATION ON SAME DAY AS OWNER IS INFORMED.

5. DRAFT NOTE ALSO CONTAINED LIST OF REGISTERED BOATS ON WHICH PHOTOS AND DATA HAVE NOT BEEN FURNISHED AND INDICATED THAT GOB WOULD CONSIDER THESE BOATS AS NOT COMPLYING WITH AGREEMENT AND SUBJECT TO DETENTION. EMBOFFS ARGUED THAT THIS ATTITUDE WAS LIMITED OFFICIAL USE

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NOT REASONABLE REGARDING RECENT NOTIFICATIONS AND BOATS ON WHICH STATUS HAD BEEN CLARIFIED. OFFICIALS AGREED TO MODIFY THIS POINT BUT SAID THAT DELAY IN FOLLOWING BOATS WAS EXCESSIVE AND GOB HAD TO CONSIDER THESE AS NOT COMPLYING WITH TERMS OF AGREEMENT:

UB-065, 066, 067, 068, 070, 073, 160.

6. LAST TWO SENTENCES REF (A) INDICATED DELETIONS OF FIVE VESSELS WHICH OUR RECORDS INDICATE ARE UB-083, 087, 095, 158 AND 159. REQUEST DEPARTMENT DOUBLE- CHECK THIS INFO AND ADVISE EMBASSY BEFORE WE TRANSMIT OFFICIAL NOTIFICATION OF DELETIONS.

7. AT MEETING WE ALSO NOTED THAT DETAILED NAVY REPORT ON APPREHENSION OF MISS DORIS INCLUDED STATEMENT THAT VESSEL HAD " FISHED TYPE ' BROWN' SHRIMP PERMITTED BY THE AGREEMENT, AND ALSO THE TYPES ' WHITE' AND ' MIXED' NOT AUTHORIZED BY THE US- BRAZIL AGREEMENT." WE NOTED THAT AGREEMENT DOES NOT EXCLUDE OR PROHIBIT FISHING FOR ANY SPECIFIC TYPES OF SHRIMP IN AREA OF AGREEMENT, THAT TYPES LISTED ARE THOSE GENERALLY FOUND IN AREA, BUT THAT OTHER TYPES MAY BE THERE AND, IF SO, ARE LEGITIMATE CATCH. BRAZILIANS TOOK NOTE OF OUR POSITION. (COMMENT: WE HAD RECEIVED INFO OVER WEEKEND THAT NAVY MIGHT SCREEN CATCH TO CONFISCATE " WHITE" SHRIMP. WE CONVEYED OUR VIEWS ON THIS POINT INFORMALLY, AND THE NAVY DID NOT SCREEN THE CATCH. SINCE THE NAVY POSITION, HOWEVER, IS CONTAINED IN THE WRITTEN APPREHENSION RECORD, WE BELIEVED IT ESSENTIAL TO REITERATE OUR VIEWS ON A MORE FORMAL BASIS.)

8. REGRET THAT STATE 114696, SUBJ: THOUGHTS ON SHRIMP AGREEMENT ENFORCEMENT" ARRIVED AFTER MEETING HAD BEEN HELD. WE BELIEVE, HOWEVER, THAT WE HAVE CONVEYED ESSENTIAL PRINCIPAL POINTS CONTAINED IN MESSAGE. WE HAVE SOME COMMENTS TO MAKE ON INFO IN PARA 4. JANAPESE SHRIMP BOATS HAVE BEEN HELD FOR EXTENDED PERIOD, HAVE STILL NOT BEEN RELEASED, AND PUNISHMENT HAS STILL NOT BEEN DETERMINED. WHILE WRITTEN ARREST REPORTS OF NAVY HAVE LISTED NUMBER OF MINOR COMPLAINTS, NAVY HAS TAKEN POSITION, AS INDICATED ABOVE, THAT VESSELS HAVE BEEN APPREHENDED ONLY WHEN DOUBT EXISTED AS TO STATUS OF VESSEL. WITH IMPROVED COMMUNICATIONS SUCH INCIDENTS SHOULD BE AVOIDABLE IN FUTURE.
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